

GREAT ZIMBABWE U.
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HERBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONOURS DEGREE

LEVEL 2 SEMESTER 1

EXAMINATION QUESTION PAPER

MODULE CODE	LLB215
MODULE NARRATION	CRIMINAL PROCEDURE
DATE	2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES:

1. Clearly number all the questions you are answering
2. Answer all questions.
3. Mark all answer sheets with your student number
4. This Examination is out of 70.
5. Candidates may bring unannotated copies of the Criminal Procedure and Evidence Act into the examination room
6. This paper is 3 pages long including the cover page.

Question 1

Explain the concept of "presumption of innocence" in Zimbabwean criminal procedure. How does it influence the burden of proof in criminal cases? [10]

Question 2

Discuss the considerations made by the public prosecutor when determining whether or not to prosecute a criminal case. [6]

Question 3

In Zimbabwean criminal procedure, what is the purpose of a remand hearing? [4]

Question 4

An accused is brought for trial by the prosecutor facing charges of having sexual intercourse with a young person. During trial the complainant states that the accused person threatened her with assault if she refused to sleep with him. She only agreed to sleep with him as a result of fear.

Explain the procedure to be adopted by the magistrate under these circumstances. [10]

Question 5

At a murder trial the State wishes to produce a confirmed warned and cautioned statement in evidence. However the accused challenges its production stating that the police assaulted her forcing her to admit to the killing.

Explain the procedure the court should follow to determine the admissibility of the statement.

[15]

Question 6

Explain, indicating considerations to be made during an application for:

- a. Bail pending trial [5]
- b. Bail pending appeal and [5]
- c. Appeal against refusal of bail [5]

Question 7

The judicial service commission has just recruited junior magistrates and need an expert to explain the trial procedures where an accused is pleading guilty. You are invited to make a presentation on the subject.

Briefly explain the two procedures to be adopted by magistrates in such circumstances.

[10]

TOTAL : 70 MARKS

END OF QUESTION PAPER